

Harold Franklin  
PACIFIC JUSTICE INSTITUTE

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF EASTERN WASHINGTON

TIMOTHY BEUCA,

Plaintiff,

vs.

WASHINGTON STATE UNIVERSITY,

Defendant

Case No.: Number

PLAINTIFF'S VERIFIED SECOND  
AMENDED COMPLAINT

**I. INTRODUCTION**

Dr. Beuca had worked tirelessly throughout the early days, weeks, and  
months, of the CV19 Pandemic both honing his skills and saving lives. Dr. Beuca  
followed all safety procedures as a resident doctor and the hospital where he  
worked felt confident that accommodation was possible. Toward that end, Dr.  
Beuca filled out both WSU and Providence's exemption form and submitted each,  
respectively. WSU denied Dr. Beuca's accommodation request and denied his  
exemption because [they] deemed his beliefs insincere. However, Providence  
approved Dr. Beuca's request and accommodation.

1           In regard to the reason WSU gave: accommodation presented a  
2 hardship because “the University determined that it would pose an undue hardship  
3 and/or a threat to yourself and others to allow you to remain in your position while  
4 unvaccinated.” Defendant WSU alleged to have considered possible  
5 accommodations which would mitigate the threat posed by allowing [Dr. Beuca] to  
6 remain unvaccinated in his position but did not state what accommodations were  
7 considered. Defendant WSU went on to state that Dr. Beuca would be unable to  
8 “effectively” perform many of [his] important job duties if appropriate measures to  
9 sufficiently mitigate the threat posed by remaining unvaccinated were to be  
10 implemented and/or no appropriate mitigation measures were identified. Defendant  
11 WSU never specified what “effective” performance was or what appropriate  
12 measures to sufficiently mitigate [his] threat were or was.

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14           In stark contrast, Providence informed Dr. Beuca, on October 21,  
15 2021 three days after Defendant WSU’s denial, that his CV19 exemption request  
16 was approved and he would be granted an accommodation with the caveat that he  
17 was expected to comply with the facility’s designated infection prevention  
18 methods.

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20           Of note, no meetings were held with Dr. Beuca to glean more  
21 information regarding his beliefs or to determine if an accommodation against  
22 ingesting CV-19 vaccines could made. These actions show a premeditated

determination to deny accommodations and a failure on the part of WSU to afford employees of faith an interactive accommodation process.

### **III. JURISDICTION AND VENUE**

This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, as it arises under the laws of the United States, and presents a federal question, pursuant to 28 U.S.C. § 1343(a)(3)-(4). The Court also has jurisdiction under 42 U.S.C. §2000e5(f)(3).

Venue is proper within this judicial district and division, pursuant to 28 U.S.C. §1391(b), because the relevant events have occurred and are threatened to occur in this jurisdictional district and division. The Defendant's place of business is in this district.

This Court has supplemental and concurrent jurisdiction to hear State claims brought before the Court pursuant to 28 U.S.C. § 1367(a).

Plaintiffs' claims for damages are authorized by 28 U.S.C. §2201-02, Civil Rules 57 and 65, and the general legal and equitable powers of this Court, which empower this Court to grant the relief requested.

Plaintiff was employed by Defendant at all times relevant herein and was an "employee" as defined under RCW §49.60.040(10) and 42 U.S.C. §2000e(f).

1 Defendant is a Washington public university subject to the laws of the state  
2 and bound by the same. Defendants was, at all times relevant hereto, Plaintiff's  
3 employer.

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5 Plaintiff originally filed this action in Whitman County Superior Court, and  
6 Defendant WSU removed to federal court in the Eastern District of Washington.

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8 Following remand from the 9<sup>th</sup> Circuit panel the Mandate was entered on  
9 August 9<sup>th</sup>, 2024, Dkt #13, and the Court entered an Order, Dkt #14, that the  
10 parties present a joint status report. The Court approved a filing of an amended  
11 complaint in accord with Fed. R. Civ. P. 15(b) following presentation of a  
12 stipulated motion

#### 13 14 15 **IV. PARTIES**

16 Plaintiff Timothy P. Beuca, Dr. Beuca, was a resident living in the state of  
17 Washington and working as an employee for Washington State University in [its]  
18 Elson Floyd School of Medicine residency program. Dr. Beuca is an employee as  
19 that term is defined at law and is entitled to the protections of 42 U.S.C.  
20 2000(e), Title VII, and RCW §49.60, WLAD, as a resident employee.

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22  
23 Defendant WSU is an employer and a university located in the state of  
24 Washington with a primary campus location of Pullman, WA while the school of  
25 medicine is headquartered in Spokane, WA. WSU is an employer as that term is  
26 defined in the laws of accommodation.

**V. FACTS**

1 1. Dr. Beuca completed his undergraduate degree at University of  
2 Washington earning a Bachelors biology and minoring in Chemistry. He  
3 then matriculated to the medical program at Western University in Lebanon  
4 Oregon. Following nine years of education Dr. Beuca matched into the  
5 Internal Medicine Residency program at the Washington State University  
6 (“WSU”) Elson Floyd School of Medicine, and began residency work in  
7 Everett, WA.

8 2. WSU has a main campus located in Pullman, WA while the School of  
9 Medicine is headquartered in Spokane, WA., but Providence Hospital  
10 where Dr. Beuca worked is located in Everett, WA.

11 3. Dr. Beuca was a first year resident primary care physician in the year  
12 2021, employed by Defendant WSU. Dr. Beuca anticipated completing  
13 three years in the residency program through WSU in order to practice  
14 independently as a board-certified Internal Medicine physician.

15 4. Dr. Beuca was in good standing entering his residency and had been  
16 assigned to the Providence Hospital location in Everett.

17 5. There was never a time during his two years of clinical rotations in  
18 medical school and residency that CV19 was not an issue.

1 6. Dr. Beuca was unvaccinated the entirety of his time working as a  
2 resident at Providence Hospital in Everett under WSU's program.

3  
4 7. Dr. Beuca followed stringent safety protocols implemented by  
5 Providence in order to protect he and his patients from the risks of CV19.  
6 This included wearing of Personal Protective Equipment ("PPE") as well as  
7 other safety measures.

8  
9 8. The safety measures included daily symptom checks that Dr. Beuca  
10 self-attested to on his phone to ensure he did not come to work symptomatic.  
11 Mask fittings were also performed to ensure proper fit of the N95 surgical  
12 masks worn, hand sanitizing stations were provided outside patient rooms,  
13 and myriad other safety precautions were taken to ensure the safety of  
14 everyone in the hospital. If a known CV19 positive patient was seen the  
15 hospital provided gowns, disposable gloves, eyewear, disinfectant wipes,  
16 and disposable stethoscopes.

17  
18 9. As a doctor there is a professional interest and responsibility to voice  
19 concerns over products/medicine and to openly discuss such concerns for  
20 the benefit of the practice of medicine and patients.

21  
22 10. Dr. Beuca had concerns about mRNA technology as a doctor and  
23 professional with an education in chemistry and biology.  
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1 11. Over the course of the pandemic Dr. Beuca had discussions regarding  
2 these concerns with his Program Director and Associate Dean in which they  
3 discussed the technology of mRNA. During these discussions both  
4 individuals asked Dr. Beuca whether or not he was vaccinated. Dr. Beuca  
5 was surprised to be asked about his vaccination status as no one from WSU  
6 had previously asked about other vaccines or medicines he [took], and  
7 vaccination was not a requirement of WSU or Providence, at the time.

8 12. Dr. Beuca responded that he was ill informed regarding the vaccine  
9 and needed more information regarding long term effects of mRNA  
10 technology.

11 13. [They] responded that WSU would be providing lectures on the  
12 mRNA technology, and subsequently a Mr. Diaz did provide such lectures  
13 to the students/residents.

14 14. Over the course of the summer of 2021 Dr. Beuca began to further  
15 research vaccines and the mRNA technology. [He] discovered, much to his  
16 surprise, that vaccines utilized aborted fetal cell lines to bring [them] to  
17 market.

18 15. Dr. Beuca began to pray, fast, and seek God's will regarding use of  
19 vaccines, including the CV-19 vaccine, following his shocking discovery  
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1 that aborted fetal cells were used in the development of both traditional and  
2 mRNA vaccines.

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4 16. Dr. Beuca had previously utilized vaccines not knowing that aborted  
5 fetal cells were used in bringing the product to market.

6  
7 17. Through prayer and fasting Dr. Beuca felt a deep conviction that  
8 vaccination, including the CV-19 vaccine, was violative of God's will for  
9 him, and that he should not obtain the vaccine.

10  
11 18. Thereafter, the State of Washington mandated by Proclamation of the  
12 Governor 21-14.1 et seq. ("The Proclamation") SARS-CoV2 ("CV-  
13 19") vaccination for all persons employed by the State or engaged in  
14 healthcare on or before October 18, 2021. The Proclamation allowed for  
15 accommodation if a person(s) sincerely held religious beliefs conflicted with  
16 vaccination against CV19, and for medical reasons under ADA. A true and  
17 correct copy of the Governor's Proclamation accompanies this Complaint, is  
18 incorporated in full, and is marked and referenced as **Exhibit 1**.

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22 19. Proclamation 21-14 et seq. **requires** all State Agencies to direct their  
23 employees to subject themselves to a CV-19 vaccination or face termination  
24 from their employment, and further required all healthcare practitioners to  
25 become vaccinated. Proclamation 21-14 et seq. allowed for religious  
26 accommodation as required under law, Title VII and WLAD. Defendant

1 WSU was Dr. Beuca’s employer, but Defendant WSU did not operate the  
2 hospital at which Dr. Beuca worked. Providence Hospital operated the  
3 hospital where Dr. Beuca worked and is a hospital system operating within  
4 the State of Washington, headquartered here, and operating in seven states in  
5 the United States.

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7  
8 20. Defendant WSU, as the employer, mandated vaccination in  
9 compliance with the Governor’s Order and drafted an exemption and  
10 accommodation form which [it] supplied to employees for filling out and  
11 submission. The form has a date of 9/1/21. A true and correct copy of the  
12 form accompanies this Complaint, is incorporated in full, and is marked and  
13 referenced as **Exhibit 2**.

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16 21. Dr. Beuca filled out the form (“Exemption Form”) provided by  
17 Defendant WSU which stated that “qualified” applicants and employees  
18 would be provided reasonable accommodation. The form does not state  
19 what “qualifications” are needed to afford accommodation to the requesting  
20 employee. Id.

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23 22. On the form, Dr. Beuca described his upbringing as a Pentecostal  
24 Christian. Dr. Beuca was a mere child when his parents fled Romania to  
25 escape religious persecution. These events instilled the value of faith and  
26 freedom to exercise [it] in Dr. Beuca. Exhibit 2 ¶4.

1 23. Around the first week of September WSU’s Program Administrator  
2 sent out an email with specific instructions for filling out and submitting  
3 exemption forms.

4  
5 24. WSU sent their instructions on September 3, 2021 with a “due date”  
6 of September 10, 2021. Another administrator sent the Providence  
7 exemption form on September 15, 2021.

8  
9 25. Dr. Beuca answered all questions asked of him by Defendant WSU on  
10 the form provided to him by Defendant WSU. The answers included an  
11 objection to the fetal cell line derivation of vaccines, and an admission that  
12 over time his knowledge and conviction regarding aborted fetal cell use in  
13 vaccines led him to change utilization of the same for his health. Id. ¶3,5.

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15 26. Nowhere on the form provided by Defendant WSU was there an  
16 opportunity for Dr. Beuca to suggest or request an accommodation. The  
17 form solely focused on the religious beliefs of Dr. Beuca including  
18 questions regarding how long he had had faith-based convictions, prior  
19 vaccinations, and whether the accommodation would be *temporary*. See  
20 generally Exhibit 2.

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22 27. Dr. Beuca submitted his request on or around September 9, 2021. Id.

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25 28. On or around September 15, 2021 Dr. Beuca received Providence’s  
26 exemption form from Jessica Gallien, WSU Administrator for the Internal  
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1 Medicine—Everett Residency. A true and correct copy of the form  
2 accompanies this Complaint, is incorporated in full, and is marked and  
3 referenced as **Exhibit 5**.

4  
5 29. WSU’s form states that more information may be needed and that  
6 Human Resource Services (“HRS”) would reach out if additional  
7 information was needed to process [his] request. Id.

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9 30. No one from HRS every reached out for additional information,  
10 clarification, or to discuss Dr. Beuca’s job functions at Providence.

11 31. Additionally, on September 9, 2021, the same day Dr. Beuca  
12 submitted his request for exemption and accommodation, Program Director,  
13 Dr. Hansen, pulled him aside and revealed some disturbing information  
14 relating to his exemption and accommodation request. Dr. Hansen told Dr.  
15 Beuca that the Attorney General was reviewing his request and exemption  
16 and that Dr. Beuca would risk termination and delay his boards.

17 32. This disturbing revelation was extremely stressful to Dr. Beuca.

18 33. Thereafter, on October 18, 2021, Providence informed Dr. Beuca that  
19 he **could** be accommodated without hardship, but three days prior WSU had  
20 stated to Dr. Beuca, via email, that he **could not** be accommodated.  
21 Defendant WSU stated , “we are **unable to approve your request for an**  
22 **exemption and accommodation.**” In an effort to explain and clarify the  
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1 exemption denial Defendant WSU proffered the following: “In considering  
2 your request for accommodation, the University considered both the  
3 information you submitted as well as comments you made to WSU staff  
4 regarding adverse reactions to the vaccine being the cited reason for not  
5 receiving the CV19 vaccin[ation].” A true and correct copy of the email  
6 communication from WSU denying the Religious Exemption accompanies  
7 this Complaint, is incorporated in full, and is marked and referenced as  
8 **Exhibit 4.** A true and correct copy of the email communication from  
9 Providence approving the Religious Exemption accompanies this  
10 Complaint, is incorporated in full, and is marked and referenced as **Exhibit**  
11 **6.**

12 34. WSU did not disclose to Dr. Beuca how or why his questioning of  
13 mRNA vaccines negatively reflected on his sincerely held religious beliefs  
14 as no one from HRS reached out to clarify or speak with him.

15 35. WSU’s email went on to state: “Based on your prior comments in  
16 conjunction with the timing of your request for a religious accommodation,  
17 the University doubts the sincerity of your religious belief, practice or  
18 observance. Ex. 4 ¶3.

19 36. Defendant WSU gave no information on what the “timing” of Dr.  
20 Beuca’s request was and why it cast shade on his sincerity of beliefs.

1       37. Defendant WSU went on to state [it] determined that: “it would pose  
2       an undue hardship and/or a threat to yourself and others to allow you to  
3       remain in your position while unvaccinated. The essential functions of [Dr.  
4       Beuca’s] job were evaluated to determine if there was a possible  
5       accommodation that would mitigate the threat posed by allowing [him] to  
6       remain unvaccinated while performing [his] job duties. Id. ¶4.

7       38. Defendant WSU did not provide any information regarding which job  
8       duties could not be performed unvaccinated, and whether or not Providence  
9       had notified Defendant WSU that he could not perform said job duties  
10       while unvaccinated or if it posed an undue burden or hardship on their  
11       business operations to accommodate [him].

12       39. Defendant WSU went on to state that, “In [Dr. Beuca’s] case, [he]  
13       would be unable to effectively perform many of [his] important job duties if  
14       appropriate measures to sufficiently mitigate the threat posed by remaining  
15       unvaccinated were to be implemented and/or no appropriate mitigation  
16       measures were identified. Id. Because Dr. Beuca had never been asked to  
17       identify accommodation(s), and Defendant WSU did not state what  
18       accommodations were considered Dr. Beuca was never given meaningful  
19       opportunity within the accommodation process. Id.

1       40. Defendant WSU stated that the “activities” included direct hands-on  
2       patient care to vulnerable and high risk populations. Id.

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4       41. There was no intimation why Dr. Beuca’s current safety measures  
5       and the hands-on patient care he had been providing for 4 or more months  
6       was determined unsafe and/or a hardship for WSU, but not a hardship for  
7       Providence where Dr. Beuca worked.

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9       42. Defendant WSU did not operate, oversee, control, or otherwise carry  
10       out day to day functions at Providence Hospital where Plaintiff worked.  
11       Providence Hospital was, in operation if not in fact, the entity which would  
12       have born the burden of accommodation, if any, and determined the day to  
13       day functions of Dr. Beuca’s job.

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15       43. Three days after WSU’s denial of both exemption and  
16       accommodation, on October 21, 2021, Dr. Beuca was **granted** an  
17       exemption and accommodation to the vaccination requirement by  
18       Providence. Ex. 6

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21       44. In fact, Providence’s Medical Staff Coordinator at Providence  
22       Regional Medical Center’s Women’s and Children’s Division, Glenn  
23       Budlow, approved Dr. Beuca’s medical exemption. Ex. 6  
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1       45. Of note: WSU knew that Providence had its own set of exemption  
2       forms as evidenced by the fact that Jessica Gallien, an employee of WSU,  
3       sent each and all residency students employed in the Everett locale a copy  
4       of the Providence exemption forms to be filled out. Ex. 5.

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6       46. The communication from Providence which approved Dr. Beuca's  
7       request for accommodation stated that Dr. Beuca was expected to comply  
8       with [his] facility's designated infection prevention protocols, and, further,  
9       that Dr. Beuca would be expected to comply with COVID-19 testing and  
10       enhanced PPE. The accommodation was subject to change pending  
11       updated information from federal, state, and local authorities. Id.  
12       Providence never communicated to Dr. Beuca that there was a change in  
13       guidance from authorit[ies].

14  
15       47. On November 2, 2021 Dr. Beuca received a letter from John  
16       Tomkowiak, Founding Dean of WSU School of Medicine, stating that [he]  
17       had reviewed the "Notice of Charges" dated October 18, 202 as well as a  
18       letter from Dr. Beuca's legal counsel. The letter went on to state that  
19       because Dr. Beuca had not provided proof of vaccination he was not  
20       "qualified" for his position, and was thereafter prohibited from performing  
21       work. This letter did not mention the discrepancy between Providence's  
22       determination that Dr. Beuca could be accommodated and WSU's decision

1 that he could not. A true and correct copy of the “WSU Notice of  
2 Termination” letter accompanies this Complaint, is incorporated in full, and  
3 is marked and referenced as **Exhibit 7.**

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5 48. Dr. Beuca was informed in the same letter that he was being separated  
6 from employment thus jeopardizing the years, hundreds of thousands of  
7 dollars, and lifelong pursuit of happiness he had enjoyed and was so close  
8 to obtaining.

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11 49. Dean Tomkowiak went on to state that Dr. Beuca had 10 working  
12 days to appeal the decision either orally or in writing. Id. ¶ 3

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14 50. The letter closed by stating that a final decision would ultimately be  
15 made by Vice President and Chancellor Daryll B. DeWald of WSU Health  
16 Sciences, and that was the person to whom Dr. Beuca was to appeal to. Id.  
17 ¶4.

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19 51. Dr. Beuca timely appealed the decision on November 8, 2021 by letter  
20 addressed to Mr. DeWald. The letter informed WSU that Dr. Beuca was, in  
21 fact, qualified to continue his residency based on [the] approval letter from  
22 Providence approving Dr. Beuca’s request for exemption and  
23 accommodation. (see Ex. 6). A true and correct copy of the Beuca Appeal  
24 letter (“appeal letter”) accompanies this Complaint, is incorporated in full,  
25 and is marked and referenced as **Exhibit 8.**  
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1       52. The appeal letter made note of the fact that Dr. Beuca had natural  
2       immunity to CV19 which was proven through labs he had obtained. A true  
3       and correct copy of the Dr. Beuca's Antibody Report accompanies this  
4       Complaint, is incorporated in full, and is marked and referenced as **Exhibit**  
5       **9.**

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8       53. WSU never indicated to Dr. Beuca why his antibodies were  
9       insufficient to provide protection similar to vaccination and/or did not over  
10       come perceived risk.

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12       54. Dr. Beuca further expressed his shock that he was being forced out of  
13       a WSU's residency program on the basis of his religious beliefs. He was  
14       "floored" that in less than one generation the religious persecution his  
15       parents had fled had come quickly to his doorstep, in America, where he  
16       was being forced to relive his family's history on the soil of the United  
17       States. Ex. 8 ¶2

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21       55. The appeal letter made an impassioned and forthright attempt to  
22       clarify any confusion regarding Dr. Beuca's faith and the reasons he could  
23       not be vaccinated. The research leading Dr. Beuca to realize aborted fetal  
24       cells, his prayers, and scripture round out the letter and give the reader  
25       insight into the religious nature of Dr. Beuca's life and decision making  
26       process.

1        56.    Thereafter, on November 30, 2021, WSU rejected Dr. Beuca’s appeal  
2        letter by focusing on the fact that all of the “processes and procedures”  
3        WSU utilized to deny his sincerity of beliefs were followed. The process  
4        included a “blind” review of his faith. His faith was “insufficient” to grant  
5        an exemption. The letter does not state what is “sufficient” to grant an  
6        exemption, what standards were used, what “sufficient” faiths were  
7        approved, or who the “blind” review was made by and what qualified them  
8        as a “sufficient” faith-based person/people group or whether they were of  
9        the same faith as Dr. Beuca, i.e. Christian. A true and correct copy of the  
10       WSU Denial of Appeal (“appeal denial”) accompanies this Complaint, is  
11       incorporated in full, and is marked and referenced as **Exhibit 10.**

12       57.    Dr. Beuca was never told what facts or information he could convey  
13       to “sufficiently” explain his faith-based reason for declining the CV19  
14       vaccine. The letter stated that the information provided on September 9<sup>th</sup>,  
15       2021 was not sufficient to grant an exemption, but did not make mention of  
16       the additional information contained in the appeal letter and why that  
17       information still fell short of the faith “sufficiency” required by WSU. Id.

18       ¶4

19       58.    Again, the “prior comments and timing” of Dr. Beuca’s request for  
20       accommodation were noted in the appeal denial. **Id.**

1        59. Also, Mr. Dewald reiterated that accommodation could not be made  
2        but failed, utterly, to discuss why the [CV19] antibody test, presented by Dr.  
3        Beuca, would not be considered, nor why antibodies were insufficient to  
4        overcome the “threat posed by allowing [Dr. Beuca] to remain unvaccinated  
5        while performing [his] job duties.” Id.

6        60. The letter went on to state that “[Dr. Beuca] would be unable to  
7        effectively perform many of [his] important job duties if appropriate  
8        measures to sufficiently mitigate the threat posed by remaining  
9        unvaccinated were to be implemented and/or no appropriate mitigation  
10       measures were identified. Id.

11       61. Mr. Dewald did not explain what job duties Dr. Beuca would be  
12       unable to perform with mitigation measures in place, whether Providence  
13       had required the mitigation measures, and whether or if Providence had  
14       been included in the identification [of accommodations] process.

15       62. Further, Mr. Dewald’s letter did not address the discrepancy in  
16       Providence having approved Beuca’s accommodation and why it proved an  
17       undue burden for WSU, who did not own or operate the hospital, but not  
18       Providence, who did own and operate the hospital where Dr. Beuca was a  
19       resident.

1       63. Perhaps the most perplexing of all, WSU sent an email to **all**  
2       **residents** of the 2021-22 class stating, among other things, that, “Three  
3       weeks ago, the College of Medicine and the State of Washington decided  
4       not to ‘accept’ Dr. Beuca’s request for COVID vaccination exemption.”  
5       Publicizing private health information and broadcasting it to his class was  
6       unnecessary. What is more, the email states that it was **not** a decision that  
7       was made locally or by the program. The decision was alleged to have been  
8       made at the “state level” and by senior leadership at WSU. A true and  
9       correct copy of the aforementioned WSU Email (“HIPPA email”)  
10       accompanies this Complaint, is incorporated in full, and is marked and  
11       referenced as **Exhibit 11**.

12       64. The accommodation process is meant to be meaningful and give  
13       effect to the law under Title VII and WLAD. The discrepancy between  
14       Providence’s accommodation and WSU’s failure to accommodate evidence  
15       a lack of good faith effort by WSU. The admission that the “decision” was  
16       made at the “state level” further casts shade on the legitimacy of the  
17       determination.

18       65. Providence, a Catholic entity who oversaw the day-to-day functions  
19       and responsibilities of Dr. Beuca’s job deemed his beliefs sincere, and also  
20       believed that accommodation would not pose an undue hardship.

1       66.     Defendant WSU, despite a grant of accommodation from the facility  
2       where Dr. Beuca worked day in and day out, failed to reasonably  
3       accommodate the religious beliefs and need for accommodation requested  
4       by Dr. Beuca.

5  
6       67.     Following WSU's termination Dr. Beuca had to move far from family  
7       and friends to Florida where an HCA Healthcare hospital, fighting the same  
8       pandemic, easily and graciously accommodated [him].

9  
10       68.     Many of Dr. Beuca's family and friends, who work in healthcare,  
11       were accommodated in the Seattle area including those who worked for  
12       Evergreen, Overlake, and Multi-Care health care centers/hospitals.

13  
14       69.     Currently, Dr. Beuca is Chief Resident vying for a highly coveted  
15       cardiology fellowship.

16  
17       70.     As a result of the denial of the request for a religious exemption and a  
18       reasonable accommodation under Title VII and WLAD, the Plaintiff [was]  
19       terminated from his employment. This constitutes an adverse employment  
20       action.

21  
22       71.     The Plaintiff received his right to sue letter from the Equal  
23       Employment Opportunity Commission on September 5, 2022. Plaintiff filed  
24       a claim for damages, "tort" form on or about November 21, 2022. More  
25       than 60 days since the claim was filed, therefore , the Plaintiff has complied

1 with RCW 4.92. et. seq. A true and correct copy of the aforementioned  
2 EEOC and ESD tort form accompany this Complaint, are incorporated in  
3 full, and are marked, respectively, and referenced as Exhibit 12 (EEOC)  
4 and Exhibit 13 (WA ESD Tort Form).  
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## 8 **VI. FIRST CAUSE OF ACTION**

### 9 **Violation of Title VII 42 USC §2000e Against Defendants for Failure to** 10 **Accommodate**

11 72. Plaintiff re-alleges the facts above and incorporate those herein by  
12 reference as if fully alleged.  
13

14 73. Defendant WSU was an employer and Plaintiff Dr. Beuca was an  
15 employee of WSU as those terms are defined in 42 U.S.C. 2000(e), Title VII.  
16

17 74. By submitting a request for religious exemption and accommodation  
18 under Title VII, the Plaintiff engaged in actions protected by federal law.  
19

20 75. Plaintiff apprised the Defendants of his sincerely held religious belief,  
21 but he was denied a religious exempt by the Defendants from the CV19  
22 vaccine requirement. He was further denied his appeal.  
23

24 76. The Defendants subjected the plaintiff to adverse employment action  
25 and the plaintiff lost his [residency] job due to his sincerely held religious  
26 beliefs.  
27  
28

1        77. The Defendants refused to entertain requests for religious  
2 accommodation under Title VII, and engage in a meaningful analysis of the  
3 requested accommodation.  
4

5        78. Wherefore, Plaintiff brings this claim under 42 U.S.C. § 2000(e) and  
6 requests the relief set forth below in the prayer for relief.  
7

8                    **VII. SECOND CAUSE OF ACTION:**

9                    **Violation of State Law Prohibiting Religious Discrimination**  
10                    **RCW 49.60.180 et. seq.**

11        79. The Plaintiff hereby incorporates the preceding paragraphs as though  
12 fully set forth herein.  
13

14        80. Plaintiff Dr. Beuca was an employee and Defendant WSU was an  
15 employer as those terms are defined in WLAD. Like Title VII, RCW 49.60  
16 et. seq. (WLAD) prohibits employers from discharging individuals from  
17 employment on the basis of the individuals' religion and or creed, as  
18 Defendants have done here.  
19  
20

21                    **VIII. PRAYER FOR RELIEF**

22                    Wherefore, Plaintiff requests that the Court enter judgment in their favor,  
23 and against the Defendants, for full relief, including the following:  
24

25        81. Damages including lost wages, benefits, and all other lost income  
26 stemming from the discriminatory actions of Defendant(s).  
27  
28



Attorneys for the Plaintiff  
459 Seneca Avenue NW  
Renton, WA 98057  
hfranklin@pji.org